

activities undertaken with Federal and non-Federal matching funds.

Once the grant is awarded, recipients will be expected to have in place data collection and data management policies, processes, and practices that provide assurance that they are reporting high quality performance measure data. Failure to submit accurate, complete, and timely required reports may affect the recipient's ability to secure future EAC funding.

For general questions about this announcement, please contact the EAC Office of Grants Management at [HAVCP@eac.gov](mailto:HAVCP@eac.gov) or 202-734-0639. The program website also provides up to date contact information at <https://www.eac.gov/grants/help-america-vote-college-program>.

#### H. Other Information

1. *Paperwork Reduction Act.* In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the information collection requirements associated with the programs, as covered in this Notice, have been approved by the Office of Management and Budget (OMB) under OMB Control Number 3265-0025. Public burden reporting for this collection of information is estimated to average 5 hours per response for individuals completing all parts of this form, including time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. You are not required to answer these questions unless this number is displayed. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, U.S. Election Assistance Commission, 633 3rd Street NW, Suite 200, Washington, DC 20001.

2. *Federal Funding Accountability and Transparency Act.* All applicants, in accordance with 2 CFR part 25, must be registered in SAM and have a UEI number as stated in Section D.3. of this Notice. All recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive total compensation in accordance with 2 CFR part 170, Reporting subaward and executive compensation information.

3. *Issuance of Federal Awards.* The Election Assistance Commission is not obligated to make any Federal awards as a result of this announcement.

4. *EAC Terms and Conditions.* All awards made under this Notice will be subject to the EAC's General Terms and Conditions and the Program-Specific

Terms and Conditions for the program (where applicable). These Terms and Conditions contain detailed, mandatory compliance and reporting requirements.

5. *Effects of Nondisclosure.* The information requested is voluntary; however, to be a recipient of this grant program, disclosure of personal or sensitive information is required to receive Federal benefits.

6. *Use of Material.* To ensure that materials generated with HAVA funding are available to the public and readily accessible to recipients and non-recipients, the EAC reserves a royalty-free, nonexclusive, and irrevocable right to obtain, use, modify, reproduce, publish, or disseminate publications and materials produced under the award, including data, and to authorize others to do so (2 CFR 200.315).

7. *Uniform Guidance.* All awards made under this Notice will be subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), in 2 CFR part 200.

8. *Federal Funding Accountability and Transparency Act.* Grant recipients will be required to report at [www.FSRS.gov](http://www.FSRS.gov) on all subawards over \$30,000 and may be required to report on executive compensation for recipients and subrecipients. Recipients must have the necessary systems in place to collect and report this information. See 2 CFR part 170 for more information and to determine how these requirements apply.

**Camden Kelliher,**

*Deputy General Counsel, U.S. Election Assistance Commission.*

[FR Doc. 2023-25817 Filed 11-21-23; 8:45 am]

**BILLING CODE 4810-71-P**

## ELECTION ASSISTANCE COMMISSION

### Help America Vote College Program

**AGENCY:** Election Assistance Commission.

**ACTION:** Notice of funding opportunity.

**SUMMARY:** Through this Notice, EAC is announcing the fiscal year (FY) 2023 Help America Vote College Program (HAVCP) Notice of Funding Opportunity (NOFO).

**DATES:** Proposals must be submitted no later than 11:59 p.m. eastern time on Monday, December 18, 2023.

**ADDRESSES:** Proposals must be submitted to <https://www.Grants.gov>.

**FOR FURTHER INFORMATION CONTACT:** Election Assistance Commission Office of Grants Management, Risa Garza, (202) 740-1483, or at [HAVCP@eac.gov](mailto:HAVCP@eac.gov).

#### A. Program Description

*Assistance Listing Number:* 90.400.  
*Funding Opportunity Number:* EAC-23-001.

*Funding Opportunity Title:* Help America Vote College Program Poll Worker Grant Program.

1. *Purpose of the Program.* The Help America Vote College Program (HAVCP) was established in 2004, and through fiscal year 2009, distributed over \$2.3 million to colleges and non-profits to recruit, train and support students serving as poll workers on Election Day.

The purpose of this grant program is to: (1) Encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; (2) Encourage college students to become cognizant of the elections process and civic education, and to assist in the administration of elections in their community; and (3) Encourage state and local governments to use the services of the students participating in the program.

College Student means any individual enrolled either on a part-time or full-time basis in any undergraduate, graduate, or professional college accredited by an agency recognized by the U.S. Department of Education in the United States.

2. *Statutory and Regulatory Authority.* The U.S. Election Assistance Commission (EAC) anticipates the availability of \$1 million dollars in discretionary grant funding, enacted in the 2023 Consolidated Appropriations Act (Pub. L. No: 117-328), to support the Help America Vote College Program (HAVCP) authorized in the Help America Vote Act of 2002 (HAVA), Public Law 107-252, Title V, Help America Vote College Program. Awards will be administered by the EAC.

3. *Performance Measurements.* Grant recipients will be required to report on one to three performance measures, one required universal measure and one to two optional measures selected by the applicant. Every recipient must report on the number of college students served. Selected performance measures should accurately reflect grant recipients' accomplishments, improve EAC's ability to report on the impact of its grant programs, and standardize measures across programs where appropriate.

Applicants must provide specific details about the procedures for tracking performance outcome measures and other participant data, such as demographic information and training

provided, and describe staffing, technology, computer applications, and other resources already available to accomplish this task. Applicants should also provide a specific plan for procuring the resources needed to meet this requirement if the resources are not already possessed by or accessible to the applicant.

Applicants are encouraged to align their goals with specific activities. Sample activities may include project administration and ramp-up; partnership engagement, outreach, and recruitment; enrollment and training; poll-worker placement; and follow-up with students to track outcomes.

For planning purposes, the applicant should identify key deliverables and the timeframe for achieving each deliverable, including any milestones to indicate the progression of activities. The applicant should also provide the name of the lead or supporting institution engaged in each activity or producing each deliverable, including any partner organizations.

## B. Federal Award Information

### *Poll-Worker Program*

*Funding Instrument:* Discretionary.

*Award Minimum:* \$45,000.

*Award Maximum:* \$100,000.

*Grant Period:* 2 Years.

*Anticipated Funding Available:* \$850,000.

1. *Funding Type.* Funding will be provided in the form of a discretionary grant. EAC will authorize the Treasury Department to disburse funding identified in the agreement through the Payment Management System (PMS) to the applicant as an advance to be drawdown as expenses arise. Per 2 CFR 200, the timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the non-federal entity for direct program or project costs and the proportionate share of any allowable indirect costs. The non-federal entity must make timely payment to contractors in accordance with the contract provisions. Grantees will be able to request payments as often as practical for their program. Cash and in-kind match expenditures require the same documentation as federal funds under 2 CFR 200. Grantees must request a drawdown of funds for incurred costs using the electronic Payment Management System (PMS). Prior to initial drawdown of funds, all Grantees must have secured online access to Payment Management System and EAC's grants management software.

## C. Eligibility Information

1. *Eligible Applicants.* EAC encourages applicants to forge robust partnerships to implement the grant and to sustain activities beyond the grant period of performance. The recommended partners for the HAVCP are institutions of higher education as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001); Nonprofit Organizations; Community and Technical Colleges and Systems; Historically Black Colleges and Universities (HBCUs); Hispanic-Serving Institutions (HSIs); Tribal Colleges and Universities (TCUs); State and Local Election Offices; and Other Minority Serving Institutions Program (MSIs) as designated by the Higher Education Act's Title III and V funding.

*Priority Consideration.* All selection criteria and application quality being equal, EAC will give priority consideration to projects from institutions and organizations that engage historically underrepresented groups, as defined by the federal government as poll workers.

2. *Cost Sharing or Matching.* At the time of award, applicants must demonstrate either cash and/or in-kind and on-hand and/or commitments, or a combination thereof, to meet the required 10 percent match, based on the amount of federal grant funds requested. Match must be met by the project end period.

EAC encourages applicants to leverage additional resources beyond the required match to supplement grant activities. Both matching and leveraged resources can come from a variety of sources, including, but not limited to the private sector (e.g., businesses or industry associations); the philanthropic community (e.g., foundations); and the non-profit sector (e.g., community organizations or education and training institutions). Non-federal, public-sector funds (e.g., from States or local governments) may be used for matching funds, if necessary. Federal funds from other federal agencies are not a permissible source of match, unless specifically authorized by the award pursuant to 2 CFR 200.306. Applicants may consult with EAC on sources of match to determine permissibility.

3. *Other Requirements/Limitations.* Applicants may not use any part of an award from the EAC to fund religious instruction, worship or proselytizing, voter registration, get out the vote (GOTV) drives, or other political activities that could be construed as lobbying. Project funds must be used for tasks and activities carried out without partisan bias and without promoting

any political point of view regarding any election issue or candidates.

Applications that propose voter registration or GOTV efforts will be considered non-responsive and will not be eligible for funding under this announcement.

Grantees may recover indirect costs under this grant up to 10 percent of the total federal share of the grant. If an applicant has an approved federal indirect cost rate higher than 10 percent, the remainder of the indirect costs can be used as a matching contribution.

Any organization described in section 501(c)(4) of the Internal Revenue Code of 1986, 26 U.S.C. 501(c)(4) that engages in lobbying activities is not eligible to apply.

The applicant nor its principals cannot be presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency. Federal regulations prohibit supplanting of funds, such as replacing routine and/or existing state or local expenditures with the use of federal grant funds and/or using federal grant funds for cost of activities that constitute general expenses required to carry out the overall responsibilities of state or local government.

## D. Application and Submission Information

1. *Address to Request Application Package.* The FY 2023 HAVCP Application Kit, copies of necessary forms and samples, and the program regulations are available at <https://www.eac.gov/grants/help-america-vote-college-program>.

Application information is also available at <https://www.grants.gov/>.

2. *Content and Form of Application Submission.* The deadline for receipt of applications is 11:59 p.m. Eastern Time on Monday, December 18, 2023. Please submit an email stating your intent to apply to [HAVCP@eac.gov](mailto:HAVCP@eac.gov). This notice of intent is not required but helps EAC better plan the review of applications.

Submit the following application components as uploads to the *Grants.gov* Attachments Form:

- HAVCP Application—Fillable form including Project Narrative and Budget Narrative
- Budget Worksheet
- Indirect Cost Rate Agreement (if applicable)

EAC urges applicants to create accounts and submit their *Grants.gov* submissions prior to the due date with sufficient time to correct any errors and resubmit by the submission deadline if a rejection notification is received.

To be considered timely, the full application must be submitted in *Grants.gov* by the application deadline. Failure to begin the SAM.gov or *Grants.gov* registration process in sufficient time (*i.e.*, waiting until the date identified in this solicitation) is not an acceptable reason for late submission. EAC uses *Grants.gov* to submit and receive applications. Applicants must ensure successful submission no later than 11:59 p.m. Eastern Time on Monday, December 18, 2023. *Grants.gov* will subsequently validate the application. The process can be complicated and time-consuming. You are strongly advised to initiate the process as soon as possible and to plan for time to resolve technical problems. Note that validation does not mean that your application has been accepted as complete or has been accepted for review by the agency. Rather, *Grants.gov* verifies only the submission of certain parts of an application.

3. **Unique Entity Identifier and System for Award Management (SAM).** (a) At the time of application, each applicant must have an active registration in the System for Award Management (SAM) before submitting its application in accordance with 2 CFR part 25, Universal Identifier and System for Award Management. To register in SAM, entities will be required to obtain and create a Unique Entity Identifier (UEI). Instructions for obtaining the UEI are available at <https://sam.gov/content/entity-registration>.

(b) Each applicant must maintain an active SAM registration, with current, accurate, and complete information, at all times during which it has an active federal award or an application under consideration by a federal awarding agency.

(c) Each applicant must ensure they complete the Financial Assistance General Representations and Certifications in SAM.

(d) Applicants must provide a valid UEI in its application, unless determined exempt under 2 CFR 25.110, Exceptions.

(e) The Agency will not make an award until the applicant has complied with all SAM requirements including providing the UEI. If an applicant has not fully complied with the requirements by the time the Agency is ready to make an award, the Agency may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

4. **Submission Dates and Times.** The deadline for receipt of applications is

11:59 p.m. Eastern Time on Monday, December 18, 2023. Please submit an email stating your intent to apply to [HAVCP@eac.gov](mailto:HAVCP@eac.gov). This notice of intent is not required but helps EAC better plan the review of applications.

See Section (2) *Content and Form of Application Submission* for detailed submission requirements.

5. **Intergovernmental Review.**

Executive Order 12372, "Intergovernmental Review of Federal Programs," is not required for this program.

6. **Funding Restrictions.** Applications must be for eligible purposes described in this Notice.

7. **Other Submission Requirements.**

Applications must be submitted electronically at *Grants.gov*. To request an accessible, hard copy of the application, please contact the EAC at [HAVCP@eac.gov](mailto:HAVCP@eac.gov).

Interested applicants should submit an email by [HAVCP@eac.gov](mailto:HAVCP@eac.gov) stating your organization's intent to apply. This notice of intent is not required but helps us better plan the review of applications.

**E. Application Review Information**

1. **Criteria.** All complete and eligible applications will be evaluated and scored based on the criteria outlined in this section.

The review and selection process are intended to produce a diversified set of high-quality programs that represent the priorities described in this Notice. The determinations made by the EAC may be different from what the applicant self-determined upon submission of its application. The stages of the review and selection process follow:

The EAC will conduct an initial Compliance and Eligibility Review to determine if an application meets the eligibility requirements published in this Notice and advances to the next stage of the review process.

*An application is compliant if the applicant:*

- is an eligible organization,
- submitted an application by the submission deadline, and
- requested federal funds in the range provided by the Notice.

Reviewing for eligibility is intended to ensure that only applications eligible for award are further reviewed. However, determinations of eligibility can take place at any point during the application review and selection process. Applicants that are determined to be ineligible will not receive an award.

2. **Review and Selection Process.** The EAC will assess the applications based on the Program Design/Strategy,

Organizational Capability, and Budget selection criteria using the scoring rubric below. The EAC will also consider the priorities and strategic considerations detailed in this Notice. All staff reviewing applications will be screened for conflicts of interest. Final funding decisions will be made by the Election Assistance Commission.

**HAVCP Scoring Criteria**

Total Points Available: 100.

Each application is scored by three staff members. Average scores and priority points are used to present recommendations to the Election Assistance Commission Executive Director and Commissioners.

Program Design and Strategy (Possible Points: 50)

Successful applications will address the following elements of program design and strategy:

- A sound and relevant program that meets the unique needs of the communities served;
- A clear description of the tools used to measure program outcomes and how data will be collected and used to modify and improve strategies, products, and services;
- The applicant's approach and expertise in using innovative solutions to implement new or expand existing efforts to increase the number of college poll workers, including efforts focused on recruiting historically underrepresented individuals as poll workers;
- The extent to which the proposed program considers information found in EAC's Guidebook for Recruiting College Poll Workers; and
- The scope of the project, including the number of targeted college poll workers.

Possible points	Criteria
41–50 .....	Clearly and completely addresses all 5 criteria.
31–40 .....	Addresses 4 out of 5 criteria and/or missing some elements of clarity or completeness.
21–30 .....	Addresses 3 out of 5 criteria and/or missing some elements of clarity or completeness.
11–20 .....	Addresses 2 out of 5 criteria and/or is confusing or incomplete.
0–10 .....	Meets 0–1 out of the 5 required criteria and missing significant descriptions and clarity.

Organizational Capacity (Possible Points: 35)

Successful applications will address the following elements of organizational capacity:

- Demonstrated relationships/partnerships with relevant state and local entities needed to make the project successful;
- Ability to manage a federal grant as evidenced by previous federal grants experience or similar size and complexity grant;
- Experience with managing volunteer recruitment efforts including experience working with historically underrepresented groups, as defined by the federal government, within the college student body, as appropriate for the proposed program model; and
- Experience of the organization and staff as evidenced by brief staff biographies and other past organizational programs.

Possible points	Criteria
25–35 .....	Clearly and completely meets all 4 criteria.
17–24 .....	Addresses 3 out of 4 criteria and/or some areas of experience are weak or missing information.
9–16 .....	Addresses 2 out of 4 criteria and/or is confusing or incomplete. Lacking significant partnerships and experience.
0–8 .....	Meets 0–1 out of the 4 required criteria and does not have the experience or partnerships necessary to manage a federal grant program.

Budget/Cost Effectiveness (Possible Points: 15)

*Successful applications will address the following elements of budget and cost effectiveness:*

- Costs are clearly justified based on the proposed activities and project scope;
- Budget and budget narrative are accurate and complete (See Appendix C); and
- Cost sharing is clearly and accurately identified.

Possible points	Criteria
11–15 .....	Clearly and completely meets all 3 criteria.
6–10 .....	Addresses 2 out of 3 criteria and/or contains some calculation errors.
0–5 .....	Addresses 1 out of 3 criteria and/or is confusing or incomplete.

*Priority Consideration.* All selection criteria and application quality being

equal, EAC will give priority consideration to projects from institutions and organizations that engage historically underrepresented groups, as defined by the federal government, as poll workers.

(a) The term “equity” means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

(b) The term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of “equity.” Source

*3. Applicant Clarification.* The EAC may ask applicants for clarifying information during the Clarification Stage of the review process. An Operational and Financial Management Survey will also be requested at this time. The EAC staff will use this information to make funding recommendations. A request for clarification does not guarantee an award. Applicants may be recommended for funding even if they are not asked for clarifying information. An applicant’s failure to respond to a request for clarification adequately and in a timely manner may result in the removal of its application from consideration.

*4. Pre-Award Risk Assessment.* The EAC staff will assess the risks posed by applicants to determine an applicant’s ability to manage federal funds. This assessment is in addition to the Compliance and Eligibility Review and the Application Review. Results from this assessment will inform funding decisions. If the EAC determines that an award will be made to an applicant with assessed risks, special conditions that correspond to the degree of assessed risk may be applied to the award. Additionally, if the EAC concludes that the reasons for applicants having poor risk assessment are not likely to be mitigated, those applications may not be selected for funding.

## F. Federal Award Notices

*Applicants will be notified in writing of the status of their application:*

- Eligible and selected for funding;
- Eligible but offered less than requested;
- Eligible but not selected for funding; or
- Ineligible for the award.

Applicants who are awarded funding will receive a Notice of Grant Award from the EAC with award terms and conditions as well as other grant documents. The Notice will inform grantees of the effective date for grant activities and disbursement.

*1. Funding Type.* Funding will be provided in the form of a discretionary grant. EAC will authorize the Treasury Department to disburse funding identified in the agreement through the Payment Management System (PMS) to the applicant as an advance to be drawdown as expenses arise. Per 2 CFR 200, the timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the non-federal entity for direct program or project costs and the proportionate share of any allowable indirect costs. The non-federal entity must make timely payment to contractors in accordance with the contract provisions. Grantees will be able to request payments as often as practical for their program. Cash and in-kind match expenditures require the same documentation as federal funds under 2 CFR 200. Grantees must request a drawdown of funds for incurred costs using the electronic Payment Management System (PMS). Prior to initial drawdown of funds, all Grantees must have secured online access to Payment Management System and EAC’s grants management software.

*2. Administrative and National Policy Requirements. EAC Terms and Conditions.* All awards made under this Notice will be subject to the EAC’s General Terms and Conditions and the Program-Specific Terms and Conditions for the program (where applicable). These Terms and Conditions contain detailed, mandatory compliance and reporting requirements. The full Terms and Conditions may be viewed on the EAC website here: <https://www.eac.gov/grants/help-america-vote-college-program>.

*3. Reporting.* Recipients are required to provide federal financial reports (FFR) and progress reports (PR) semi-annually through EAC’s web-based grants management system. All reports must be accurate, complete, and submitted on time.

In addition, at the end of the award period, recipients must submit final

financial and progress reports that are cumulative over the entire award period and consistent with close-out requirements. The final reports are due 120 days after the performance period ends.

Once the grant is awarded, recipients will be expected to have in place data collection and data management policies, processes, and practices that provide assurance they are reporting high quality performance measure data. Failure to submit accurate, complete, and timely required reports may affect the recipient's ability to secure future EAC funding.

#### G. Federal Awarding Agency Contact

For general questions about this announcement, please contact the EAC Office of Grants Management at [HAVCP@eac.gov](mailto:HAVCP@eac.gov) or 202-734-0639. The program website also provides up to date contact information at <https://www.eac.gov/grants/help-america-vote-college-program>.

#### H. Other Information

1. *Paperwork Reduction Act.* In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the information collection requirements associated with the programs, as covered in this Notice, have been approved by the Office of Management and Budget (OMB) under OMB Control Number 3265-0025. Public burden reporting for this collection of information is estimated to average 17 hours per response for individuals completing all parts of this form, including time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. You are not required to respond to these questions unless this number is displayed. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, U.S. Election Assistance Commission, 633 3rd Street NW, Suite 200, Washington, DC 20001.

2. *Federal Funding Accountability and Transparency Act.* All applicants, in accordance with 2 CFR part 25, must be registered in SAM and have a UEI number as stated in Section D.3. of this Notice. All recipients of federal financial assistance are required to report information about first-tier subawards and executive total compensation in accordance with 2 CFR part 170, Reporting subaward and executive compensation information.

3. *Issuance of Federal Awards.* The Election Assistance Commission is not

obligated to make any federal awards as a result of this announcement.

4. *EAC Terms and Conditions.* All awards made under this Notice will be subject to the EAC's General Terms and Conditions and the Program-Specific Terms and Conditions for the program (where applicable). These Terms and Conditions contain detailed, mandatory compliance and reporting requirements.

5. *Effects of Nondisclosure.* The information requested is voluntary; however, to be a recipient of this grant program, disclosure of personal or sensitive information is required to receive federal benefits.

6. *Use of Material.* To ensure that materials generated with HAVA funding are available to the public and readily accessible to recipients and non-recipients, the EAC reserves a royalty-free, nonexclusive, and irrevocable right to obtain, use, modify, reproduce, publish, or disseminate publications and materials produced under the award, including data, and to authorize others to do so (2 CFR 200.315).

7. *Uniform Guidance.* All awards made under this Notice will be subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), in 2 CFR part 200.

8. *Federal Funding Accountability and Transparency Act.* Grant recipients will be required to report at [www.FSRS.gov](http://www.FSRS.gov) on all subawards over \$30,000 and may be required to report on executive compensation for recipients and subrecipients. Recipients must have the necessary systems in place to collect and report this information. See 2 CFR part 170 for more information and to determine how these requirements apply.

Camden Kelliher,

Deputy General Counsel, U.S. Election Assistance Commission.

[FR Doc. 2023-25820 Filed 11-21-23; 8:45 am]

BILLING CODE 4810-71-P

#### DEPARTMENT OF ENERGY

[Case Number 2022-004; EERE-2022-BT-WAV-0010]

#### Energy Conservation Program: Decision and Order Granting a Waiver to Norlake, Inc., dba Refrigerated Solutions Group, From the Department of Energy Walk-In Coolers and Walk-In Freezers Test Procedure

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notification of decision and order.

**SUMMARY:** The U.S. Department of Energy ("DOE") gives notification of a Decision and Order (Case Number 2022-004) that grants to Norlake, Inc., dba Refrigerated Solutions Group ("RSG") a waiver from specified portions of the DOE test procedure for determining the energy efficiency of specified walk-in cooler refrigeration systems. Under the Decision and Order, RSG is required to test and rate the specified basic models of its equipment in accordance with the alternate test procedure set forth in the Decision and Order.

**DATES:** The Decision and Order is effective on November 22, 2023. The Decision and Order will terminate upon the date on which use of the test procedure for walk-in coolers and walk-in freezers located at title 10 of the Code of Federal Regulations ("CFR"), part 431, subpart R, appendix C1 is required to determine compliance with energy conservation standards. At such time, RSG must use the relevant test procedure for this equipment for any testing to demonstrate compliance with the applicable standards, and any other representations of energy use.

#### FOR FURTHER INFORMATION CONTACT:

Ms. Julia Hegarty, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, Mailstop EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Email: [AS\\_Waiver\\_Request@ee.doe.gov](mailto:AS_Waiver_Request@ee.doe.gov).

Mr. Matthew Schneider, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (240) 597-6265. Email: [matthew.schneider@hq.doe.gov](mailto:matthew.schneider@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with 10 CFR 431.401(f)(2), DOE gives notification of the issuance of its Decision and Order as set forth below. The Decision and Order grants RSG a waiver from the applicable test procedure at 10 CFR part 431, subpart R, appendix C for the specified basic models for which RSG petitioned for waiver and provides that RSG must test and rate such equipment using the alternate test procedure specified in the Decision and Order. RSG's representations concerning the energy efficiency of the specified basic models must be based on testing according to the provisions and restrictions in the alternate test procedure set forth in the Decision and Order, and the representations must fairly disclose the test results. Distributors, retailers, and private labelers are held to the same requirements when making